

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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PATRICK VARGAS,

Plaintiff,

v.

CITY OF TRACY; SOUTH SAN JOAQUIN
COUNTY FIRE AUTHORITY; RANDALL
BRADLEY, in his individual and
official capacity as Fire Chief
of the South San Joaquin County
Fire Authority; and DOES 1
through 20, inclusive,

Defendants.

No. 2:22-cv-01454 WBS KJN

ORDER RE: DEFENDANT RANDALL
BRADLEY'S MOTION TO STRIKE,
OR IN THE ALTERNATIVE
DISMISS, PUNITIVE DAMAGES

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Upon review of the moving papers,¹ defendant Randall
Bradley's motion to strike, or in the alternative dismiss,
plaintiff's prayer for punitive damages (Docket No. 44) is hereby
DENIED. The Third Amended complaint sufficiently alleges facts
to support plaintiff's contention that defendant Randall

¹ The motion is decided without oral argument pursuant to
Local Rule 230(g).

Bradley's conduct was driven by an evil motive or intent, or involved a reckless or callous indifference to the constitutional rights of others, see Morgan v. Woessner, 997 F.2d 1244, 1255 (9th Cir. 1993), and involved oppression, fraud, or malice, see Cal. Civ. Code § 3294.

IT IS SO ORDERED.

Dated: June 2, 2023


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE